

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

FILED - GP

05 JUN 10 PM 1:36

INTELLAPEX, PLLC,  
Plaintiff,

v.

INTEL CORPORATION,  
Defendant.

CASE:

1:05CV0404

HON.:

**Richard Alan Enslen**  
U.S. District Judge

---

Robert J. Sayfie (P45267)  
Robert J. Sayfie, P.C.  
*Attorney for Plaintiff*  
161 Ottawa Ave., NW, Suite 407  
Grand Rapids, MI 49503  
616-774-9244

---

**PLAINTIFF'S COMPLAINT and JURY DEMAND**

PARTIES, JURISDICTION, AND VENUE

1. Plaintiff IntellApex, PLLC is a Michigan Professional Limited Liability Company, with its registered office at 2855 44<sup>th</sup> Street, SW, Suite 120, Grandville, Michigan 49418.
2. Defendant Intel Corporation is a Delaware Corporation, with its principal place of business at 2200 Mission College Blvd., Santa Clara, CA 95052.
3. Defendant is registered as a Foreign Profit Corporation in Michigan, with the Corporation Company designated as its registered agent, which is located at 30600 Telegraph Road, Bingham Farms, Michigan 48025.
4. Plaintiff is engaged in the legal services business with a focus on providing intellectual property law services to its clients, including but not limited to, patent drafting and filing services.

5. Plaintiff is using the domain name intellapex.com in connection with providing the above referenced services.

6. Defendant is engaged in the manufacture and sale of computer, communication, software, networking, and internet-related related-products.

7. This action arises under the Trademark Act, 25 U.S.C. § 1051 *et seq.* (the “Trademark Act”).

8. Jurisdiction is conferred on the Court pursuant to 28 U.S.C. § 1338.

9. Venue is proper in this district under 28 U.S.C. § 1391.

#### DECLARATORY JUDGMENT

10. On or around February 24, 2005, Plaintiff filed a trademark application (Application Serial No. 78/573,940), for the following mark: “IntellApex” (words only), with the U.S. Patent and Trade Marks Office.

11. Plaintiff’s above-referred trademark application was filed in International Class 042, relating to provision of legal services.

12. In a certified letter to the Plaintiff, dated June 3, 2005, the Defendant expressly alleged that the Plaintiff is infringing its Intel trademark. (*See* Letter from Intel Corporation dated June 3, 2005, attached hereto as **Exhibit A**).

13. Defendant has indicated that the Plaintiff must abandon its pending trademark application and cease all use of the IntellApex mark and domain name, or else the Defendant may sue the Plaintiff, and thus the Plaintiff has a reasonable apprehension that a suit will be brought.

14. A trademark search using the Boolean expression Intel\* indicates that 3001 live trademarks exist that contain the letters "intel...." (**Exhibit B**). (Only the first page has been attached as an exhibit because a complete printout would have consumed about 120 pages.)

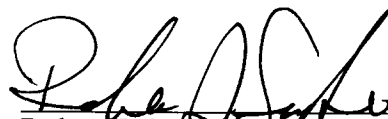
15. An actual controversy exists under 28 U.S.C. §2201.

WHEREFORE, the Plaintiff demands judgment against the Defendant as follows:

- a. Declaring that Plaintiff's use of its mark IntellApex does not infringe Defendant's mark Intel;
- b. Declaring that Plaintiff's use of its domain name intellapex.com in connection with its legal services does not infringe Defendant's mark Intel;
- c. And such other and further relief as the Court deems just and proper, such as costs and attorneys fees.

Date: June 10, 2005

Respectfully Submitted,


  
Robert J. Sayfie (P45267)  
Robert J. Sayfie, P.C.  
*Attorney for Plaintiff*  
161 Ottawa Ave., NW, Suite 407  
Grand Rapids, MI 49503  
616-774-9244

#### **JURY DEMAND**

Plaintiff requests a jury in this matter.

Date: June 10, 2005

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'R. Sayfie', is positioned above a horizontal line.

Robert J. Sayfie (P#5267)

Robert J. Sayfie, P.C.

*Attorney for Plaintiff*

161 Ottawa Ave., NW, Suite 407

Grand Rapids, MI 49503

616-774-9244